

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<u>In re Terrorist Attacks on September 11, 2001</u> LUIS AGUILAR; JAMES ALAMIA; RENA ALEXANDER; PATRICIA ANCONA; PHILIP ANNUNZIATO; DESIDERIO ARBOLEDA; MARCELO ATIENCIA; RICHARD BALLERINI; MICHAEL BANAHAN; VIRGINIA BARBOSA; JOHN BOTTE; DONALD BOWLES AND ANDREA BOWLES; RAYMOND BROWN AND CHARLENE PARKER-BROWN; LYNDIA BURTON; RENO BUTTIGIEG AND JEANNE BUTTIGIEG; STEPHEN CAPOBIANCO, JR. AND AMY LYNN CAPOBIANCO; RENE CARABALLO; RAMON CARRERO; JOHN CARUSO AND LISA CARUSO; JAVIER CARVAJAL; WILLIAM CHERRY AND NAH TARSHA CHERRY; VICTORINE CHRISTIANO, AS ADMINISTRATRIX OF THE ESTATE OF CHARLES CHRISTIANO, AND VICTORINE CHRISTIANO INDIVIDUALLY; DONALD COUGHLAN AND JILL COUGHLAN; VICTOR DIPIERRO AND LUCY DIPIERRO; DONALD DOWLER; OSWALD DRYSDALE; JOHN GIORDANO AND JANINE GIORDANO; EDWARD GORMAN AND MONICA GORMAN; ANTONIO GRELLA; WILLIAM A HAVEL; MICHAEL J HUGHES; RICHARD JACKSON AND SHARON JACKSON; JOHN J JORDAN AND JUNE JORDAN; HELGA KOPPERL AND AJAI KHATTRI; JOHN LICATO AND PEGGY LICATO; MICHAEL LUPO; NICOLE PAPAMICHAEL; STEPHEN PETROVICH; DOMINICK RANDAZZO AND BARBARA RANDAZZO; PHILIP RAUSCHER AND LENORE RAUSCHER; MICHAEL REINECKE AND DIANE SACERDOTE; JANNY SANCHEZ, AS ADMINISTRATRIX OF THE ESTATE OF JUAN C SANCHEZ, AND JANNY SANCHEZ INDIVIDUALLY; ANTHONY	As relates to: 03 MDL 1570 (GBD)(SN) Civil Docket Number: 16-CV-09663 <u>SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY</u> ECF CASE
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SCARPA; MICHAEL SCHOONMAKER AND CHRISTINE SCHOONMAKER; EDWARD L. SENA AND JEANETTE SENA; ALFONSO SERRANO; DANIEL SLEZAK AND CLAUDIA SLEZAK; JANICE STERN; ROBERT SUPINO; AND WALLACE ZEINS PLAINTIFFS, V. KINGDOM OF SAUDI ARABIA; SAUDI HIGH COMMISSION FOR RELIEF OF BOSNIA & HERZEGOVINA DEFENDANTS	
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SHORT FORM COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Trial by Jury* against Defendants named herein by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the specific allegations, as indicated below, of Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC") and *Demand for Jury Trial* in *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 in the United States District Court for the Southern District of New York (hereinafter "the CAC"). Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543.

(*Notice to Conform, Applicable For Previously Filed Complaints Only*): Plaintiff(s) in the previously filed case styled as LUIS AGUILAR, ET. AL. V. KINGDOM OF SAUDI ARABIA file(s) this *Short Form Complaint* to incorporate Plaintiffs' *Consolidated Amended Complaint* as to the Kingdom of Saudi Arabia ("Kingdom" or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("the SHC"), and *Demand for Jury Trial* ("the CAC"), ECF No. 3463, as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543. Upon filing of this *Short Form Complaint*, plaintiffs' underlying Complaint, ECF No. 1, is deemed amended to include the factual

allegations, jurisdictional allegations, and jury trial demand of the CAC, as well as all causes of action specified below. The amendment affected through this *Short Form Complaint* supplements by incorporation into, but does not displace, plaintiffs' underlying Complaint. This *Notice to Conform* relates solely to Saudi Arabia and the SHC, and does not apply to any other defendant, as to which plaintiffs' underlying Complaint and any amendments thereto are controlling.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction, is as asserted in the CAC, and further, jurisdiction of the within *Short Form Complaint* is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S. C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S. C. § 1605B (Justice against Sponsors of Terrorism Act)
- ☐ Other: (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

 _____.

CAUSES OF ACTION

3. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference, the CAC as if set forth fully herein.

4. Furthermore, the following claims and allegations are asserted by Plaintiff(s) and are herein adopted by reference from the CAC:

- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(d) (JASTA)

- ☒ Aiding and Abetting and Conspiring with al Qaeda to Commit the September 11th Attacks Upon the United States in Violation of 18 U.S.C. § 2333(a)
- ☒ Committing Acts of International Terrorism in Violation of 18 U.S.C. § 2333
- ☒ Wrongful Death, as applicable to a claim for such
- ☒ Survival
- ☒ Alien Tort Claims Act
- ☒ Assault and Battery
- ☒ Conspiracy
- ☒ Aiding and Abetting
- ☒ Intentional Infliction of Emotional Distress
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents
- ☒ Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents
- ☒ 18 U.S.C. § 1962(a)-(d) – CIVIL RICO
- ☒ Trespass
- ☒ Punitive Damages
- ☐ Plaintiff assert(s) the following additional theories and/or Causes of Action against the Defendants:

IDENTIFICATION OF PLAINTIFFS

5. The following allegations and information contained herein, is alleged as to each individual who is bringing this claim, as indicated on Appendix 1 to this *Short Form Complaint*, and/or as to each decedent who was injured and who is now deceased, whose claim is brought by the Estate

representative, and as to the survivors of the Estate, herein referred to as "Plaintiffs."

- a. The citizenship of said Plaintiff is indicated at Appendix 1 to this Short Form complaint.
- b. Said Plaintiff is entitled to recover damages on the causes of action set forth in this Complaint.
- c. As indicated at Appendix 1, said Plaintiff was injured as a result of the terrorist attacks of September 11, 2001; is the estate representative of someone who was injured as a result of the terrorist attacks of September 11, 2001 and who is now deceased, or is a survivor of someone who was injured as a result of the terrorist attacks of September 11, 2001 and who is now deceased.
- d. For those plaintiffs with injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged: _____.
- e. As a direct, proximate and foreseeable result of Defendants' actions or inactions, Plaintiff suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and as otherwise described in the CAC, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged herein: _____.
- f. The name, relationship to the injured 9/11 victim, residency, nationality, and the general nature of the claim for each plaintiff is listed on the attached Exhibit 1, and is incorporated herein as allegations, with all allegations of the within *Short Form*

Complaint deemed alleged as to each plaintiff.

IDENTIFICATION OF THE DEFENDANTS

6. The following entities are Defendants herein:

- ☒ Kingdom of Saudi Arabia
- ☒ Saudi High Commission for Relief of Bosnia & Herzegovina

Plaintiffs' constituent case, if applicable, and this *Short Form Complaint* shall be deemed subject to any motion to dismiss the CAC or Answer to the CAC filed by Saudi Arabia or the SHC. By way of filing this *Short Form Complaint*, plaintiffs shall not be deemed to have adopted any class-action allegations set forth in the CAC or waived any right to object to class certification or opt out of any certified class. This *Short Form Complaint* also does not serve as a request for exclusion from any class that the Court may certify.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants as set forth in the CAC as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury as to the claims in this action.

Dated: May 16, 2017

Respectfully Submitted,

/s/ Christopher R. LoPalo

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See Exhibit 1 Annexed

APPENDIX 1 TO THE *SHORT FORM COMPLAINT*

(EXEMPLAR-ALL NAMES BELOW ARE FICTITIOUS)

Each line below is deemed an allegation, incorporating the allegations, language and references within the *Short Form Complaint* to which this Appendix is appended, and shall be referenced as Allegation 1 of Appendix 1 to the *Short Form Complaint*, Allegation 2 of Appendix 1 to the *Short Form Complaint*, etc.)

	Plaintiffs Name (alphabetically ordered by last name of Injured 9/11 Victim)	Relationship to Injured 9/11 Victim	State of Residency at filing	Citizenship/ Nationality on 9/11/01	General Nature of Claim Asserted (e.g., personal injury, wrongful death, solatium)
1.	Luis Aguilar	Self	NJ	US	Personal Injury
2.	James Alamia	Self	NY	US	Personal Injury
3.	Rena Alexander	Self	NY	US	Personal Injury
4.	Patricia Ancona	Self	NY	US	Personal Injury
5.	Philip Annunziato	Self	FL	US	Personal Injury
6.	Desiderio Arboleda	Self	OH	US	Personal Injury
7.	Marcelo Atencia	Self	NY	US	Personal Injury
8.	Richard Ballerini	Self	FL	US	Personal Injury
9.	Michael Banahan	Self	NY	US	Personal Injury
10.	Virginia Barbosa	Self	NY	US	Personal Injury
11.	John Botte	Self	NY	US	Personal Injury
12.	Donald Bowles and Andrea Bowles	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
13.	Raymond Brown and Charlene Parker-Brown	Self/Spouse	FL	US	Personal Injury, Loss of Consortium
14.	Lynda Burton	Self	NY	US	Personal Injury
15.	Reno Buttigieg and Jeanne Buttigieg	Self/Spouse	FL	US	Personal Injury, Loss of Consortium
16.	Stephen Capobianco, Jr. and Amy Lynn Capobianco	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
17.	Rene Caraballo	Self	NY	US	Personal Injury
18.	Ramon Carrero	Self	NY	US	Personal Injury
19.	John Caruso and Lisa Caruso	Self/Spouse	NV	US	Personal Injury, Loss of Consortium
20.	Javier Carvajal	Self	NY	US	Personal Injury
21.	William Cherry and Nah Tarsha Cherry	Self/Spouse	PA	US	Personal Injury, Loss of Consortium
22.	Victorine Christiano, as Administratrix of the estate of Charles Christiano, and Victorine Christiano Individually	PR/Spouse	NY	US	Wrongful Death, Solatium
23.	Donald Coughlan and Jill Coughlan	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
24.	Victor DiPierro and Lucy DiPierro	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
25.	Donald Dowler	Self	NJ	US	Personal Injury

26.	Oswald Drysdale	Self	NY	US	Personal Injury
27.	John Giordano and Janine Giordano	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
28.	Edward Gorman and Monica Gorman	Self/Spouse	NC	US	Personal Injury, Loss of Consortium
29.	Antonio Grella	Self	MD	US	Personal Injury
30.	William A Havel	Self	NY	US	Personal Injury
31.	Michael J Hughes	Self	NY	US	Personal Injury
32.	Richard Jackson and Sharon Jackson	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
33.	John J Jordan and June Jordan	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
34.	Helga Kopperl and Ajai Khattri	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
35.	John Licato and Peggy Licato	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
36.	Michael Lupo	Self	NY	US	Personal Injury
37.	Nicole Papamichael	Self	NY	US	Personal Injury
38.	Stephen Petrovich	Self	OH	US	Personal Injury
39.	Dominick Randazzo and Barbara Randazzo	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
40.	Philip Rauscher and Lenore Rauscher	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
41.	Michael Reinecke and Diane Sacerdote	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
42.	Janny Sanchez, as Administratrix of the estate of Juan C Sanchez, and Janny Sanchez Individually	PR/Spouse	NJ	US	Wrongful Death, Solatium
43.	Anthony Scarpa	Self	NY	US	Personal Injury
44.	Michael Schoonmaker and Christine Schoonmaker	Self/Spouse	SC	US	Personal Injury, Loss of Consortium
45.	Edward L. Sena and Jeanette Sena	Self/Spouse	NJ	US	Personal Injury, Loss of Consortium
46.	Alfonso Serrano	Self	NY	US	Personal Injury
47.	Daniel Slezak and Claudia Slezak	Self/Spouse	NY	US	Personal Injury, Loss of Consortium
48.	Janice Stern	Self	NY	US	Personal Injury
49.	Robert Supino	Self	NY	US	Personal Injury
50.	Wallace Zeins	Self	NY	US	Personal Injury